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94-129

**From:** <P33CLANCY@aol.com>  
**To:** FCCMAIL.SMTPNLM("slamming@comments.fcc.gov")  
**Date:** 8/20/97 5:21pm  
**Subject:** consumers choice

I think that this whole thing is really very simple. I as a consumer I feel that since I pay for services I should be the one to decide if I think that it is time to shop around or not. I also take in to consideration the service that I have received from the company that I currently use. I feel that it should be up to me to call my current company or another company if I want to make a change and deeply resent someone else, that won't be making the payment, stepping in and changing my service without my permission or putting some time limit on when I should call my own provider to tell them that I do not wish to be switched.

I feel that this would tie up valuable lines and take time away from the company that I admire for giving me good quick service. I feel that if these other companies want to do buisness they should advertise by mail and t.v. ads like every other company that wants to get business. I hate sales calls and never do business with anyone that calls me, but I do take time to look through any mail advertising that companies send.

Thank you for time,  
K. Lantzy

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924-129

From: Jay Callaham <JAY@cone.com>  
To: FCCMAIL.SMTPNLM("slamming@comments.fcc.gov")  
Date: 8/19/97 5:25pm  
Subject: Verification rules for Carrier change

I understand you are seeking comments on the issue of Slamming and requirements for verification under Comon Carrier Docket 94-129.

Here is what happened to me recently - and is still not finally resolved:

1. My name is Jay Callaham. I am Manager of Corporate Telecommunications for Cone Mills Corporation, a textile manufacturing company headquartered in Greensboro, NC. My office direct line is: 910-379-6438. E-mail: jay@cone.com. We have been slammed.

2. One of our divisions in New York, Cone Decorative Fabrics, aka John Wolf, telephone number 212-683-4800 was slammed to a company named "American Business Alliance (ABA) Group Savings Plan" sometime in October, 1996. At the time we were changing service from MCI to AT&T under a contract tariff as part of an implementation to a corporate wide Software Defined Network. We were also terminating a relationship with LCI for international long distance out of our two New York offices. After many phone calls, letters and a great deal of acrimony, we agreed to a settlement of the ABA account in March '97 and paid a reduced bill. We received a statement marked, by ABA, "paid in full." We had cancelled our unwanted "service" with ABA in December of 1996 - which even THEIR records show and their representatives admit. Appropriate orders had been issued through our carrier, AT&T and through NYNEX to change the PIC on all numbers. This was to have completely terminated the relationship, which never should have begun in the first place.

3. We have received more bills from ABA. Upon contacting them I was referred through several people to Mr. Chris O'Brian who explained the "completely legal" process by which verbal change authorizations are taken and supposedly verified by a third party and followed up by brochure in the mail. I have received a copy of a letter from a company named Records Retrieval, Inc which purports to have verified the change with me back in October. This is untrue. a. I was not in NY on October 3 and could not have been contacted at the number indicated; b. the spelling of my name is completely wrong (I ALWAYS make it a point to spell my last name when talking to folks by phone because the "M" at the end tends to throw them); c. the billing address is inaccurate. With all of the alleged "verification" taking place, I find it hard to understand how so many errors could have persisted. I only know that no authorized party from Cone Mills Corporation gave permission for any such changes. I know that I did not.

If I ever received the "verification" brochure, which I doubt, I probably treated it as I do other junk mail from unknown vendors - - file 13. I would have had no reason to even open the envelope and even if I did,

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would not have associated it with anything other than another unwanted solicitation.

4. I understand that a poorly written law allows these people to collect, a fact which I find appalling, but that they must adjust the rate to that which the subscriber would have paid under his previous arrangement with his own carrier. This in no way even begins to compensate us for the time and effort expended by numerous staff and legal resources on resolving this kind of fiasco. We should owe them nothing. In fact, they should be required to pay US for our trouble!

5. In order to clear this issue off my desk and, hopefully, to be rid of ABA completely, on June 4 I agreed to a settlement at a reduced price. ABA zeroed one small account and gave a 40% discount on another.

This adjustment brought the cost more closely in line with our contract tariff rates but did not compensate us for loss of any bonus discounts based on total usage volume nor for any potential penalties for a shortfall against our revenue commitments on our own contract tariffs. It certainly didn't begin to compensate for our many man-hours of lost productivity, mental stress and emotional upheaval associated with dealing with this problem. Again, our costs to correct this go far beyond the loss of basic contract discounts with our proper carrier.

Also, even after all that, we have received numerous additional bills and dun calls from them. There seems to be no end to it. I understand that AT&T finally paid the account in full and zeroed it out for us - without even applying the discount. I appreciate that, but will not pay AT&T a dime over the contract tariff amount should they try to bill us for it.

6. Mr. O'Brian also patiently explained that an attempt to bring a FCC complaint would be futile. He stated, in a rather nonchalant manner, that all the FCC would do is send ABA a form letter inquiry. ABA would respond with a form letter including the "proof" of verification, in the form of the Records Retrieval document, that they had complied with the law. That would be the end of it. No big deal. I would like to believe that the FCC is not so impotent in dealing with this kind of fraud, hence this letter.

7. On May 9, 1997 I established a conference call including the following individuals:

Mr. Chris O'Brian - ABA

220 Division Street

Mr. Henry Jones - AT&T

801 Jones Franklin Road, Suite 100

Kingston, PA 18704

888-287-9222

Raleigh, NC 27606

800-722-7032

Ms. Sharon Parker - Telecom Consultants, Inc

84 William Street

NY, NY 10038

212-363-7222 x 25

Ms. Trish Kenner - Nynex

375 Pearl Street

NY, NY 10038

Telecom Consultants is the outsource provider of local service orders and administration for Nynex in NYC. Sharon was able to confirm that all appropriate orders for the PIC change to our AT&T SDN as well as billing information was put into the system months ago. Henry Jones is the primary implementer of our SDN and also confirmed that all charges on all lines were to have been shifted to our AT&T Contract Tariff several months ago.

Mr. O'Brian stated that it is possible that the PIC change alone was not sufficient because the "10732" PIC for Cone Mills Corporation is the same SDN PIC as is used by ABA and other AT&T SDN subscribers. He indicated that there is an additional three digit "trunk code" which may not have changed and caused the continued connection and billing to ABA. Mr. Jones at AT&T had never heard of such a code in any of his implementations, nor have I.

Mr. O'Brian stated that he would have Ms. Mary Kennon, AT&T liaison, from the ABA home office get in touch with their AT&T contacts to resolve the situation. I understand that this was done. This STILL does not answer the basic questions of how we came to be on their "service" in the first place or how, after having it discontinued in December of '96 and having a "paid in full" in March of '97, we are still on their system and receiving bills. This week we received another bill and more calls from them to attempt collection.

Can the FCC do something more substantive than simply exchanging form letters with ABA?

I intend to contact our Congressional delegation with a recommendation that the applicable Federal law be amended as follows:

1. Require WRITTEN and NOTARIZED approval before a carrier/service provider can be changed. Force a paper trail. Utterly eliminate the capability of changing someone on the basis of some verbal commitment.

It's too easy for unscrupulous telemarketers to fake this stuff. Use of the middle initial as a "unique identifier" for verification is a bad joke.

2. Require that a verification letter be sent to the subscriber via certified mail with a return receipt that must be signed for by the proper party and that NO ACTION be allowed until the letter, not just the receipt, is returned with the appropriate signature and a notary seal. This is in addition to the original authorization.

3. Require that a letter be sent, with return receipt, to the incumbent carrier, the local exchange provider, any billing service provider and the subscriber to inform all parties concerned that the change is about to take place. Require a ten day "cooling off period" from the date of the subscriber's signature on this receipt before implementation of the change.

4. Allow the withholding of 100% of the payment on any bill rendered by these "service providers" in the absence of proper written authorization.

5. Provide that treble the amount of the bogus billing be paid by the "service provider" to the subscriber in all cases where PROPER written verification cannot be proven.

The possibility of making long distance competition more difficult due to the hassell of changing PICs is a small, nay, negligible, price to pay to reduce the slamming that is now costing so many of us thousands of dollars. The regulations MUST be tightened up. WE, not the slammers, should be protected!

I will make this recommendation to all the membership of the North Carolina Telecommunications Association, which I have the honor to serve as President and also via the Carolina Utility Customers Association which I serve as Chairman of the Telecomm. Steering Committee. Hopefully, many of the members will take action with their Congressional representatives as well. All will receive copies of this letter. Thank you for whatever assistance you can render.

Sincerely,

Jay Callaham, Manager, Corporate Telecommunications

cc: Mr. Clyde Albright, Sr. Attorney  
Mr. Mike Fox, Attorney, Governmental Affairs  
The Honorable Howard Coble, US House of Representatives  
Senator Jesse Helms, US Senate  
Senator Lauch Faircloth, US Senate  
Mr. Reed Hundt Chairman, FCC  
Mr. John F. O'Mara, Chairman, NY Public Service Commission  
Individuals named in pp 6 above  
NCTA Newsletter  
CUCA

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94-129

**From:** TOSHIBA AUTHORIZED USER <WRISTPIN@swbell.net>  
**To:** FCCMAIL.SMTPNLM("slamming@comments.fcc.gov")  
**Date:** 8/20/97 7:36am  
**Subject:** slamming

The slammer should have to pay the slammed 200% of the charges collected and pay to have the slammed customer switched back to the origianl service. That might slow tham down.

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From: roberta fontaine <wisdom4chng@ceos.com>  
To: FCCMAIL.SMTPNLM("slamming@comments.fcc.gov")  
Date: 8/20/97 2:05am  
Subject: slamming

If I would list all the changes and time that I have been put through and wasted in calls that came to my home in relationship to changing phone service, this E-mail would be pages long.

I definitely feel that something needs to be done to resolve this situation. I don't think that I know the answer, but I do know that it has been a problem for many many people.

The last situation I was in with MCI took at least three to four hours of my time, I was misinformed, I spoke to at least 10 different people, I had to make calls back to MCI to make sure that what was presented to me was correct, I then found out that though it was a real MCI source the info was not correct, I tried to correct the situation and was told that I had to make a report that my phone was no longer a business or pay phone as last listed with MCI which I though was no business of mine to do and that they should be responsible for this, since I was not a customer of there's at the time; I would have written at least a four page letter to the supervisor to explain what had happened and didn't, because of lack of time and in the end I never got the promised information sent to me in regards to my new disconted service.

This is the type of thing that happens and worse. Something needs to be done, but I don't have a clue as to how to fix it.

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